

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 31, 1998

DIVISION THREE

B113661 State of California Dept. of Motor Vehicles (Certified for Publication)
 v.
 S.C.L.A.
 Woosley (r.p.i.)

The alternative writ is discharged. A writ of mandamus is hereby issued ordering the trial court to vacate its previous orders certifying the class and to issue new and different orders consistent with this opinion. Each party to bear its own costs.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B107035 Martin (Not for Publication)
 v.
 Grau

The summary judgment from which plaintiff has appealed is reversed and the cause is remanded to the trial court for further proceedings consistent with the views expressed herein. Plaintiff shall recover her costs on appeal.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

August 31, 1998-Continued

DIVISION FIVE

102304-98 THE HONORABLE , J. GARY HASTINGS, Associate Justice of the Court of Appeal, Second Appellate District, Division Four, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division Five, as a Justice thereof, on the following dates:

September 2, 1998

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: August 17, 1998

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial council

B119056 Los Angeles County, D.C.S. (Not for Publication)
v.
Tonia R.
In re Priscilla Q.

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

August 31, 1998-Continued

DIVISION FIVE (Continued)

B107637 Los Angeles County
 Sheriff's Department (Not for Publication)
 v.
 Los Angeles County Civil Service Commission
 Francisco Benach

The appeal and cross-appeal from the order denying the mandate petition are dismissed. The parties are to bear their own costs on appeal.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B116825 The People (Not for Publication)
v.
Andy Richard Smith

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B119370 Los Angeles County, D.C.S. (Not for Publication)
v.
Malissa H.
In re Monica H.

The judgment is affirmed.

DIVISION FIVE (Continued)

B112018 Debra J. Diaz (Not for Publication)

v.
Crestgate Homeowners Association et al.

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
 Godoy Perez, J.

B113206 People (Not for Publication)

v.
Daniel Logan et al.

We order the three-year gang enhancements stricken for appellants Logan and Ortiz, but affirm the judgments of conviction for appellants Logan and Ortiz in all other respects.

Armstrong, J.

We concur: Turner, P.J.
 Godoy Perez, J.

DIVISION SIX

B113184 People (Not for Publication)

v.
Byrd

The judgment is affirmed.

Gilbert, J.

We concur: Stone, P.J.
 Yegan , J.

August 31, 1998-Continued

DIVISION SIX (Continued)

B109606 Rosales (Certified for Publication)

v.

Thermex-Thermatron, Inc.

The judgment is affirmed. Costs on appeal are awarded to respondent.

Gilbert, J.

We concur: Stone, P.J.

Coffee, J.

B111162 People (Not for Publication)

v.

Polanco et al.

The judgment as to Felix is hereby amended to include a total of 778 days presentence credits. In all other respects, both judgments are affirmed.

Gilbert, J.

We concur: Stone, P.J.

Coffee, J.

DIVISION SEVEN

B116056 Apartment Assn. of Los Angeles County

v.

Santa Monica Rent Control Board

Filed order denying petition for rehearing.

August 31, 1998-Continued

DIVISION SEVEN (Continued)

B120507 People (Not for Publication)
v.
Alfredo B., a Minor

The order under review is affirmed.

Woods, J.

We concur: Lillie, P.J.
 Neal, J.